

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1057

BYRON C. BROWN,

Plaintiff - Appellant,

versus

NORMAN Y. MANETA, Secretary of Transportation,

Defendant - Appellee.

Appeal from the United States District Court for the Western
District of North Carolina, at Asheville. Lacy H. Thornburg,
District Judge. (CA-04-122-1)

Submitted: July 27, 2005

Decided: August 19, 2005

Before MICHAEL and MOTZ, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Byron C. Brown, Appellant Pro Se. Paul Bradford Taylor, OFFICE OF
THE UNITED STATES ATTORNEY, Asheville, North Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Byron C. Brown appeals from the district court's order dismissing his complaint in which he alleged discrimination in his employment. Upon review of the record and the district court's order, we affirm the dismissal of Brown's action as untimely filed. See 42 U.S.C. §§ 2000e-5(f)(1), -16(c) (2000); Harvey v. City of New Bern Police Dep't, 813 F.2d 652, 654 (4th Cir. 1987) (upholding dismissal of complaint filed one day late); see also Irwin v. Dep't of Veterans Affairs, 498 U.S. 89, 96 (1990) (discussing limitations on equitable tolling). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED